

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH STAFFORD, an individual,)	
)	2:04-cv-0047-GEB-EFB
Plaintiff,)	
)	<u>ORDER</u>
v.)	
)	
UNITED TREASURES, INC., a)	
Washington corporation,)	
)	
Defendant.)	
_____)	

Since I have already spent considerable time preparing draft jury instructions for the impending trial of this action and mistakenly assumed the parties' proposed instructions filed September 9, 2005, would be numbered "in a manner that shows where each . . . instruction should be placed in the . . . instructions," (Final Pretrial Order, June 21, 2005, at 15), the parties are directed to file a complete set of the preliminary and closing jury instructions they desire no later than October 5, 2006.

Further, since Plaintiff contends the notice given to Defendant's counsel constituted substantial performance of notice required by contract, sufficient reason has not been provided for including Plaintiff's additional notice instruction.

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1 The parties need only include the first sentence of their
2 proposed instruction No. 3 since I need not tell the jury about
3 answering a specific question on the jury verdict form.

4 The parties shall meet again to discuss Defendant's
5 objections to this Court's proposed jury instructions Nos. 9 and 10.
6 Agreement should be reachable on these instructions.

7 Defendant's objection to instruction No. 12 is sustained.
8 (See Parties' Joint Submission Re Additional Jury Instructions and
9 Verdict Forms, Sept. 9, 2005, at 23.)

10 Unless Defendant explains how it will be prejudiced if
11 Plaintiff's position on how to prevent double recovery is adopted,
12 Plaintiff's position will be adopted.

13 IT IS SO ORDERED.

14 Dated: September 13, 2006

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16 /s/ Garland E. Burrell, Jr.
17 GARLAND E. BURRELL, JR.
 United States District Judge
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